

Message Text

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ORIGIN EB-11

INFO OCT-01 IO-14 ISO-00 AID-20 COME-00 AF-10 ARA-16 EA-11

EUR-25 NEA-14 RSC-01 FRB-03 OMB-01 TAR-02 SP-03

SWF-02 AGR-20 CIAE-00 INR-11 LAB-06 NSAE-00 OIC-04

SIL-01 STR-08 TRSE-00 CIEP-02 CEA-02 SS-20 NSC-07

SSO-00 NSCE-00 INRE-00 L-03 /218 R

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TO USMISSION GENEVA IMMEDIATE

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FOR USDEL TO UNCTAD IGG

E.O. 11652:N/A

SUBJECT: UNCTAD INTERGOVERNMENTAL GROUP (IGG) ON TRANSFER
OF TECHNOLOGY

REF: GENEVA 4566

1. APPRECIATE STATUS REPORT ON IGG MEETING AS OF NOON
JULY 17.

2. WE HAVE A NUMBER OF COMMENTS CONCERNING GROUP OF 77
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DRAFT RESOLUTION ENTITLED "REVIEW OF THE WORK OF THE INTER-

GOVERNMENTAL GROUP AND TERMS OF REFERENCE FOR ANY EVENTUAL MAIN COMMITTEE OF THE TRADE AND DEVELOPMENT BOARD ON TRANSFER OF TECHNOLOGY." THE RESOLUTION AND TERMS OF REFERENCE ARE GENERALLY REASONABLE AND WITH INCORPORATION OF THE CHANGES DISCUSSED BELOW, WE BELIEVE THAT THE RESOLUTION WOULD BE ACCEPTABLE TO THE US GOVERNMENT. BEFORE APPROVING IT, OF COURSE, WE WILL WANT TO SEE THE TEXT THAT IS FINALLY NEGOTIATED.

3. WITH REGARD TO THE EIGHTH PARA OF THE PREAMBLE OF THE DRAFT RESOLUTION, THE US DEL SHOULD ATTEMPT TO DEVELOP A GROUP B POSITION CALLING FOR ITS DELETION SINCE RESOLUTION 3202 (S-VI) PART IV PREJUDGES THE WORK PROGRAM TO BE UNDERTAKEN BY THE COMMITTEE. IF UNSUCCESSFUL IN HAVING IT REMOVED, THE US DEL MAY ACCEPT ITS INCLUSION BUT AT THE TIME OF A VOTE ON THE RESOLUTION OR ITS ADOPTION BY CONSENSUS THE USDEL SHOULD STATE FOR THE RECORD THAT THE US DOES NOT CONSIDER ITS ACCEPTANCE OF THIS RESOLUTION TO INVOLVE ANY CHANGE IN THE US POSITION ON RESOLUTION 3201 (S-VI) AND 3202 (S-VI) WHICH WERE COMMENTED UPON BY AMBASSADOR SCALI AND TO WHICH US OBJECTIONS ARE WELL-KNOWN.

4. THE USDEL SHOULD ATTEMPT TO GAIN GROUP B SUPPORT FOR ADDITION TO THE PREAMBLE IN PLACE OF OR FOLLOWING THE EIGHTH PARA, THE FOLLOWING PARA FROM THE PREAMBLE OF RESOLUTION 74 (X) WHICH ESTABLISHED THE IGG ON TRANSFER OF TECHNOLOGY: QUOTE: BEARING IN MIND THE FACT THAT SEVERAL INTERNATIONAL ORGANIZATIONS IN THEIR RESPECTIVE FIELDS OF COMPETENCE HAVE SPECIFIC PROGRAMMES FOR THE APPLICATION OF SCIENCE AND TECHNOLOGY TO DEVELOPMENT, FOR THE TRANSFER OF OPERATIVE TECHNOLOGY AND FOR FACILITATING ACCESS TO, AND EFFECTIVE UTILIZATION OF, APPROPRIATE AVAILABLE TECHNOLOGY IN DEVELOPING COUNTRIES. END QUOTE.

5. THE TERMS OF REFERENCE SHOULD PARALLEL TO THE EXTENT POSSIBLE THOSE OF THE OTHER PRINCIPAL UNCTAD COMMITTEES. FOLLOWING THIS RATIONALE, THE USDEL SHOULD RECOMMEND AMENDING TERMS OF REFERENCE PARA (I) TO BEGIN: QUOTE: TO LIMITED OFFICIAL USE

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EXERCISE FUNCTIONS UNDER THE GENERAL GUIDANCE OF THE BOARD TO PROMOTE, WITHIN THE COMPETENCE OF UNCTAD, CONSISTENT POLICIES AT THE NATIONAL, REGIONAL AND INTERNATIONAL LEVELS ON TRANSFER OF TECHNOLOGY AND RELATED AREAS OF WORK. UNQUOTE. THE USDEL SHOULD ATTEMPT TO GET GROUP B SUPPORT FOR DELETION OF THE WORDS QUOTE ON RESTRICTIVE BUSINESS PRACTICES, FOREIGN INVESTMENT AND TRANSNATIONAL CORPORATIONS END QUOTE. FAILING THAT SUPPORT IT SHOULD

CONTINUE IN THE CONTACT GROUP TO SEEK THEIR ELIMINATION. IN THE EVENT THESE OR SIMILAR WORDS ARE RETAINED IN THE RESOLUTION, THE USDEL SHOULD IF APPROPRIATE STATE FOR THE RECORD AT THE TIME OF THE RESOLUTION'S ADOPTION THAT THE US DOES NOT UNDERSTAND THIS TERM OF REFERENCE TO BE CONFERRING ON THE COMMITTEE A MANDATE TO CARRY OUT STUDIES ON THESE ISSUES EXCEPT AS THEY DIRECTLY RELATE TO TRANSFER OF TECHNOLOGY SINCE THESE SUBJECTS ARE ALREADY UNDER CONSIDERATION IN OTHER BODIES SUCH AS THE ECOSOC, AND WIPO.

6. USDEL SHOULD ATTEMPT TO HAVE THE WORDS QUOTE IN THESE AREAS UNQUOTE DELETED FROM TERMS OF REFERENCE PARA (II).

7. USDEL SHOULD ATTEMPT TO OBTAIN GROUP B SUPPORT FOR

REVISION OF TERMS OF REFERENCE PARA (VI) TO READ QUOTE TO ASSIST THE BOARD IN MEETING ITS RESPONSIBILITIES TO THE UN GENERAL ASSEMBLY AND THE ECONOMIC AND SOCIAL COUNCIL OF REVIEWING AND FACILITATING THE COORDINATION UNQUOTE, ETC.

8. USDEL SHOULD ATTEMPT TO HAVE TERMS OF REFERENCE PARA (VII) REVISED TO PARALLEL TERMS OF REFERENCE 7 OF THE COMMITTEE ON SHIPPING SO AS TO READ QUOTE TO BRING, THROUGH THE APPROPRIATE CHANNELS AS AGREED BY THE BOARD, TO THE ATTENTION OF GOVERNMENT END QUOTE, ETC. WE CONSIDER IT INAPPROPRIATE TO AUTHORIZE COMMITTEE TO COMMUNICATE FREELY WITH GOVERNMENTS AND OTHER INTERNATIONAL BODIES.

9. TERM OF REFERENCE PARA (VIII) IS UNCLEAR BUT IN ANY EVENT PRINCIPLE IS UNACCEPTABLE. UNDP AND UNIDO WOULD LIMITED OFFICIAL USE

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APPEAR TO HAVE ROLES WITH REGARD TO SUBSTANTIVE GUIDANCE REGARDING TECHNICAL ASSISTANCE TO LDCS, BUT A COMMITTEE OF UNCTAD WOULD NOT HAVE SUCH A ROLE. A TERM OF REFERENCE MIGHT BE PROPOSED, AS APPROPRIATE, TO READ QUOTE TO COOPERATE WITH APPROPRIATE INTERNATIONAL BODIES WITH REGARD TO TECHNICAL ASSISTANCE TO DEVELOPING COUNTRIES REGARDING PROBLEMS INVOLVING TRANSFER OF TECHNOLOGY UNQUOTE. USDEL SHOULD SEEK SUPPORT FOR THIS DELETION IN GROUP B, BUT FAILING A GROUP B POSITION, CONTINUE TO PRESS THE POINT IN THE CONTACT GROUP.

10. TO PARALLEL THE TERMS OF REFERENCE OF THE OTHER COMMITTEES OF UNCTAD, THE USDEL SHOULD SEEK TO HAVE TERMS OF REFERENCE PARA (IX) BEGIN QUOTE THE COMMITTEE SHALL SUBMIT UNQUOTE ETC.; TERM OF REFERENCE (X) QUOTE

THE WORK OF THE COMMITTEE SHALL BE COORDINATED WITH THE WORK OF OTHER COMMITTEES AND THE COMMITTEE SHALL KEEP THE COMMITTEE ON INVISIBLES AND FINANCING RELATED TO TRADE INFORMED ON MATTERS CONCERNING THE IMPROVEMENT OF THE BALANCE ON INVISIBLE TRADE OF DEVELOPING COUNTRIES UNQUOTE; THE TERM OF REFERENCE (XI) QUOTE THE COMMITTEE SHALL CONSIDER UNQUOTE ETC.

11. RE TERMS OF REFERENCE PARA (XII) USDEL SHOULD ATTEMPT TO HAVE PARA BEGIN QUOTE THE COMMITTEE SHALL TAKE INTO ACCOUNT UNQUOTE ETC. USDEL SHOULD ALSO CONSULT KEY GROUP B COUNTRIES WITH VIEW TO GETTING THEIR SUPPORT FOR ADDING AFTER "AND OTHER INTERNATIONAL BODIES" THE FOLLOWING PHRASE "ESPECIALLY THE WORLD INTELLECTUAL PROPERTY ORGANIZATION." USDEL SHOULD ALSO CONSULT WITH WIPO SECRETARIAT ABOUT THE PROPOSED AMENDMENT. USDEL

SHOULD PROPOSE AMENDMENT OF PARA XII UNLESS WIPO SECRETARIAT BELIEVE THAT SUCH AMENDMENT WOULD JEOPARDIZE ONGOING ACTIVITIES IN WIPO REGARDING WIPO PERMANENT COMMITTEE FOR THE ACQUISITION BY DEVELOPING COUNTRIES OF TECHNOLOGY RELATED TO INDUSTRIAL PROPERTY AND PROPOSED WIPO STUDY OF PARIS INDUSTRIAL PROPERTY CONVENTION IN RELATION TO DEVELOPING COUNTRIES (SEE POINT 4 OF US POSITION ON SUPPLEMENTARY AGENDA ITEM NO (I). OSTENSIBLE REASON FOR THIS AMENDMENT IS THE FACT THAT LIMITED OFFICIAL USE

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WIPO HAS A PERMANENT COMMITTEE FOR THE ACQUISITION BY DEVELOPING COUNTRIES OF TECHNOLOGY RELATED TO INDUSTRIAL PROPERTY AND WE WOULD WISH TO AVOID AS MUCH AS POSSIBLE OVERLAP AND DUPLICATION OF WORK BETWEEN UNCTAD AND WIPO. FYI - WE WANT TO ATTEMPT TO ENSURE THAT WIPO, WHICH IS ORIENTED TOWARD INDUSTRIAL PROPERTY PROTECTION, CLEARLY HAS BASIS FOR WORKING CLOSELY WITH UNCTAD ON THIS SENSITIVE SUBJECT OF TRANSFER OF TECHNOLOGY. END FYI.

12. USDEL SHOULD PROPOSE ADDITION OF NEW TERMS OF REFERENCE PARA WHICH MAY BE INSERTED BETWEEN TERMS OF REFERENCE PARA (XI) AND (XII). QUOTE THE COMMITTEE SHALL SEEK THE VIEWS OF BUSINESS AND TRADE ASSOCIATIONS ON PROBLEMS RELATING TO TRANSFER OF TECHNOLOGY.

13. RE RANKIN-WINTER TELCON WE AGREE WITH EFFORTS OF US AND OTHER DELEGATIONS TO DEVELOP GROUP B RESOLUTION ON MAIN COMMITTEE TERMS OF REFERENCE AND HOPE THE ABOVE COMMENTS MAY BE USEFUL IN THIS CONNECTION. INGERSOLL

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